

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	2:11-CR-00452-PMP-RJJ
Plaintiff,)	
vs.)	<u>ORDER</u>
THERESA MARCIANTI,)	
Defendant.)	

Before the Court for consideration is the Motion of Plaintiff United States to Consolidate this case with United States of America v. David L. Mark, 2:11-cr-453-GMN-RJJ (Doc. #18). Having considered the briefing on the issue and the arguments of counsel presented at the hearing conducted July 12, 2012, the Court finds the Government's motion to consolidate cases for joint trial should be granted.

Specifically, the Court finds that both Defendants Marcianti and Mark are alleged to be co-conspirators in Count I of the respective Indictments and are charged with precisely the same conspiratorial conduct. Additionally, two of the substantive counts of the four count Indictment in the case against Defendant Marcianti are identical to two of the substantive counts in the seven count Indictment in the case against Defendant Mark. The remaining substantive counts alleged against both Defendants derive from the same alleged conspiratorial activity alleged in Count I of both Indictments.

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1 Finally, the Court is satisfied, based upon the representation of Government
2 counsel, that any issue arising under *Bruton v. United States* can be accommodated
3 by the redactions of post-arrest statements proposed by the Government.

4 **IT IS THEREFORE ORDERED** that Plaintiff's Motion to Join Case for
5 Joint Trial (Doc. 18) is **GRANTED**, and that the cases United States of America v.
6 Theresa Marcianti, 2:11-cr-00452-PMP-RJJ and United States of America v. David
7 M. Mark, 2:11-cr-00453-GMN-RJJ are hereby joined for trial in accord with Rule 13
8 of the Federal Rules of Criminal Procedure.

9 **IT IS FURTHER ORDERED** that United States of America v. David M.
10 Mark, 2:11-cr-00453-GMN-RJJ shall henceforth bear the case number **2:11-cr-**
11 **00452-PMP-RJJ**.

12 **IT IS FURTHER ORDERED** that given the different trial dates currently
13 set in these two cases, counsel for the Parties shall forthwith meet and confer, and
14 shall within thirty (30) days of the date of this Order submit to the Court a proposed
15 stipulation, or alternatively and appropriate motion, to consolidate the trial dates for
16 these two consolidated cases.

17 DATED: July 13, 2012.

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20 PHILIP M. PRO
21 United States District Judge
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